

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,
NO. 04-53, ALAN TODD

CASE NO. _____

NOTICE OF FORMAL CHARGES

TO: Honorable Alan C. Todd
Orange County Courthouse
425 N. Orange Avenue
Orlando, FL 32801

You are hereby notified that the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of those members present at its meeting held in Tampa, Florida on May 14, 2004, has determined pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, § 12(b) of the Constitution of the State of Florida, that probable cause exists for formal proceedings to be, and the same are hereby, instituted against you based upon allegations that you have continuously engaged in a pattern of making rude, intemperate, and demeaning comments, *to wit*:

1. In violation of Canon 1 and Canon 2A, on or about January 30, 2004, you engaged in a conversation with Orange County Sheriff's Deputy Mindy Hood and other courthouse personnel during which time you chastised Deputy Hood because she was an unwed mother. During that same conversation, you also made the following, or substantially similar, comments to Deputy Hood:

- a. It is acceptable for a male to have sex before marriage, but if female does so, she is not respected and is considered a tramp;
- b. You questioned what “kind of family Deputy Hood came from” and stated that “her family obviously had no morals;”
- c. When Deputy Hood responded that she came from a good family, you indicated that followers of the Baptist denomination “think there is no sin in the world and have no morals;”
- d. You referred to Deputy Hood’s child as a bastard;
- e. Women who have children out of wedlock should not be married by a pastor or priest because having children out of wedlock is morally wrong and is a sin;
- f. A pastor or priest should not marry a couple that has been living together because it is morally wrong to live together outside of marriage;
- g. Children who are raised in single-family homes typically grow up and go to jail.

2. In violation of Canon 1 and Canon 2A, during a subsequent conversation with Deputy Hood on that same day, you commented that Deputy Hood was a “disgrace to society,” “had no morals;” and “that [her single-parent status] was what was wrong with the world today,” or words to that effect. You further commented that it “was not your fault that Deputy Hood had gotten herself knocked up,” or words to that effect. You also voiced your displeasure with an ultrasound picture that had been circulated among courthouse personnel. Specifically, you commented:

“Why should I be happy about another child being born out of wedlock? These kids are called bastards . . . That’s why these kids grow up to be losers and go to jail,” or words to that effect.

3. In violation of Canon 1 and Canon 2A, you have further advised Deputy Hood on several occasions that her son was going to grow up to become a “loser” because he was from a single mom, or words to that effect. You have also stated to Deputy Hood, “What is your child going to think of the kind of morals you have when he becomes older?,” or words to that effect.

4. In violation of Canon 1, Canon 2A, Canon 3B(4), and Canon 3B(5), during various times between approximately October, 2002 and October, 2003, you referred to Janet Bagley, a female Sheriff’s Office Deputy who worked in your courtroom, as a “deputite.” You have also indicated that only when a male deputy was assigned to your courtroom was a “real deputy” present in your courtroom.

5. During that same time interval, you also questioned Deputy Bagley regarding personal matters, such as “What are you girls doing tonight [referring to Deputy Bagley and her girlfriend[s],” and “What do you do as lesbians?,” or words to that effect. You also inquired of Deputy Bagley concerning how many men she had slept with during her lifetime.

6. In violation of Canon 1 and Canon 2A, and during the same aforementioned time interval, you became aware that Deputy Bagley intended to make a one-day roundtrip to Miami because she preferred to not stay in hotels. You

then commented to Deputy Bagley that, “All [she] ha[d] to do [was] go to a bar and pick up a man to spend the night with,” or words to that effect.

7. In violation of Canon 1, Canon 2A, Canon 3B(4), and Canon 3B(5), and during the same time period, when you were displeased with the courtroom performance of a Hispanic public defender, you stated, “That’s what you get with affirmative action,” or words to that effect.

8. In violation of Canon 1 and Canon 2A, during the time period from approximately July, 2003 - October, 2003, you made inappropriate comments to Trial Clerk Sara Jones concerning her personal life, by asking things such as, “What did you do for your husband last night?” and “Did your husband make dinner, make you a bubble bath, or have candles for you last night?” When you made such comments to Ms. Jones, you stated that, “We are going to break you out of your shyness,” or words to that effect.

9. In violation of Canon 1 and Canon 2A, on one occasion in approximately 2001, while signing warrants, you asked Sheriff’s Office detectives whether Penny Sutton, who was employed in courthouse administration at the time, was taking good care of the detectives. When the detectives responded affirmatively, you replied “Well, that’s what the men’s bathroom wall says . . . I just wanted to make sure,” or words to that effect.

CONCLUSION

10. The acts described above, if they occurred as alleged, would also impair the confidence of the citizens of this state in the integrity of the judicial system and in you as a judge; would constitute a violation of the cited Canons of the Code of Judicial Conduct; would constitute conduct unbecoming a member of the judiciary; would demonstrate your unfitness to hold the office of judge; and would warrant discipline, including but not limited to, your removal from office and/or any lawyer discipline recommended by the Commission.

You are hereby notified of your right to file a written answer to the above charges made against you within twenty (20) days of service of this notice upon you.

DATED this 24th day of August, 2004.

/s/

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--and--

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **NOTICE OF FORMAL CHARGES** has been furnished by **Certified Mail** to the **HONORABLE ALAN C. TODD**, Orange County Courthouse, 425 N. Orange Ave., Orlando, FL 33301 on this 24th day of **August, 2004**.

/s/ _____
Attorney